

REMARKS:

In the outstanding Office Action, the Examiner rejected claims 1-22. Claims 1, 13, 16 and 19-22 are amended herein. No new matter is presented. Thus, claims 1-22 are pending and under consideration. The rejections are traversed below.

REJECTION UNDER 35 U.S.C. § 112¶2:

Claim 21 was rejected under 35 U.S.C. § 112¶2. Claim 21 is amended herein to comply with the requirements of 35 U.S.C. § 112¶2.

Therefore, withdrawal of the rejection is respectfully requested.

REJECTION UNDER 35 U.S.C. § 102(b):

Claims 1-22 are being rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,854,007 (Hammond).

Hammond tracks electronic messages by collecting message tracking information supplied when the messages are sent and stores the message tracking information in a message tracking table (see, col. 5, lines 1-16). For example, as shown in FIG. 2, Hammond tracks send/delivery time, review time, resend time period, review reminder time, etc., of a message for resending the message if delivery of the message is not confirmed. That is, the tracking/message confirmation method of Hammond is executed subsequent to sending the message by allowing a sender to specify actions to be taken for resending a message when the message is not delivered within a specified period of time (see, col. 3, lines 12-30).

In contrast to Hammond, the present invention enables a sender of a message to prioritize delivery destinations with respect to a recipient prior to sending the message, thereby allowing the message to be delivered to the most likely reachable delivery destination.

Independent claim 1 recites, “creating... a priority table of delivery devices based on reachability of the message using each of the delivery devices prior to sending the message” and “selecting a delivery device from the priority table having a highest priority and sending the message to the selected device.”

Independent claims 13, 16 and 19-22 also recite that selection of delivery devices and delivery mechanisms is executed “prior to sending the message”, which allows the message to be initially sent according to the selection.

Hammond is limited to resending an undeliverable message to a particular destination

based on tracking results after the message has been sent and does not teach or suggest selection of a destination "prior to sending the message", as recited in each of the independent claims 1, 13, 16 and 19-22.

Further, Hammond does not teach or suggest changing the delivery destination between retries for a subsequent delivery. For example, as recited in independent claims 1, 13 and 16, the present invention includes, "continuing, if the recipient did not receive the message using the highest priority delivery device, to sequentially select another delivery device according to the priority table" to send the message until the recipient receives the message. Independent claims 19-22 also recite, "continuing to sequentially select another delivery device" (claim 19), "adaptively cycling through delivery attempts" (claims 20 and 21) and "the prioritization is adaptively changed based on message delivery conditions including a message delivery success" (claim 22). Hammond does not teach or suggest these features independent claims 1, 13, 16 and 19-22.

It is submitted that the independent claims are patentable over Hammond.

For at least the above-mentioned reasons, claims depending from the independent claims are patentably distinguishable over Hammond. The dependent claims are also independently patentable. For example, claim 17 recites, "determining a reachability of the recipient before sending the message to the selected delivery device." Dependent claim 2 also recites similar features.

Hammond, at col. 4., lines 11-28, which the Examiner relies on to reject claims 2 and 17, is directed to actions taken "after an electronic message has been delivered to or reviewed by a recipient" such as delivery of additional messages at specified periods after the message is delivered or reviewed, delivery of an automatic follow-up message and activities when delivery or review of the original message has been confirmed. Hammond does not teach or suggest that reachability of the recipient is determined "before sending the message to the selected delivery device", as recited in claims 2 and 17.

Therefore, withdrawal of the rejection is respectfully requested.

CONCLUSION:

Accordingly, claims 1, 13, 16 and 19-22 are amended herein. Thus, claims 1-22 are pending and under consideration.

There being no further outstanding objections or rejections, it is submitted that the

application is in condition for allowance. An early action to that effect is courteously solicited.

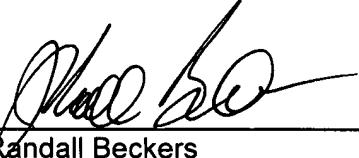
If there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 1/20/06

By: 
J. Randall Beckers
Registration No. 30,358

1201 New York Ave, N.W., Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500
Facsimile: (202) 434-1501